

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WALTER WENGER,

Plaintiff,

-v-

5:14-CV-885
(DNH/TWD)

NEW YORK STATE DEPARTMENT OF
HEALTH; MARK LANKES, Individually and as
Director of DDSO Region 2; TODD
PODKOWKA, Individually and as Director of
Health Services; MATTHEW JOHNSON, RN,
Individually and as Treatment Team Leader of
IRA3; KAY H. ROMERO, Individually and as
Senior Attorney for OPWDD; CHARLES
ZELOWS, Individually and as Treatment Team
Leader of IRA3; DAVID VIGGIANI, individually
and as Due Process Hearing Officer; LAURIE A.
KELLEY, Individually and as Acting Director of
OPWDD; and KERRY A. DELANEY, Individually
and as Acting Director of OPWDD,

Defendants.

APPEARANCES:

WALTER WENGER
Plaintiff pro se
4413 Whitman Road
Canastota, NY 13032

OF COUNSEL:

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Walter Wenger filed this civil rights action primarily on behalf of his son Steven Joseph Wenger, in his capacity as Steven's court appointed guardian. On April 17,

2015, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's complaint be dismissed without prejudice. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

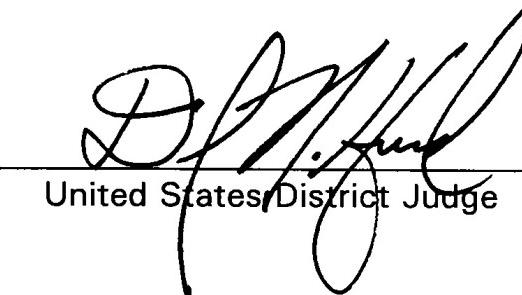
Therefore, it is

ORDERED that

1. Plaintiff's complaint is DISMISSED without prejudice; and
2. The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: May 26, 2015
Utica, New York.



United States District Judge